
SENATE BILL No. 173

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-30-5-5.

Synopsis: Operating a vehicle while intoxicated. Makes operating a vehicle while intoxicated and causing the death of another person a Class B felony instead of a Class C felony.

Effective: July 1, 2004.

Mrvan

January 6, 2004, read first time and referred to Committee on Criminal, Civil and Public Policy.

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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

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SENATE BILL No. 173



A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-30-5-5, AS AMENDED BY P.L.175-2001,
2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2004]: Sec. 5. (a) A person who causes the death of another
4 person when operating a motor vehicle:
5 (1) with an alcohol concentration equivalent to at least
6 eight-hundredths (0.08) gram of alcohol per:
7 (A) one hundred (100) milliliters of the person's blood; or
8 (B) two hundred ten (210) liters of the person's breath;
9 (2) with a controlled substance listed in schedule I or II of
10 IC 35-48-2 or its metabolite in the person's body; or
11 (3) while intoxicated;
12 commits a ~~Class C felony. However, the offense is a Class B felony. if,~~
13 ~~within the five (5) years preceding the commission of the offense, the~~
14 ~~person had a prior unrelated conviction under this chapter.~~
15 (b) A person who violates subsection (a) commits a separate offense
16 for each person whose death is caused by the violation of subsection
17 (a).



1 (c) It is a defense under subsection (a)(2) that the accused person
2 consumed the controlled substance under a valid prescription or order
3 of a practitioner (as defined in IC 35-48-1) who acted in the course of
4 the practitioner's professional practice.

5 SECTION 2. [EFFECTIVE JULY 1, 2004] **IC 9-30-5-5, as**
6 **amended by this act, applies only to crimes committed after June**
7 **30, 2004.**

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